

(cc)

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

In the Matter of Establishing )  
Sulfur Dioxide Emission Limitations ) 86-241084690-J01 ORDER  
for OMC Evinrude, 4143 North )  
27th Street, Milwaukee, WI 53201 )

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

The Department of Natural Resources, hereinafter DNR, finds that:

1. OMC Evinrude is located at 4143 North 27th Street in Milwaukee, Wisconsin.
2. OMC Evinrude operates the following direct source(s) capable of emitting sulfur dioxide at this location:
  - Stack S50, Boiler B20: A 20.0 million BTU per hour steam generating unit, capable of firing residual fuel oil.
  - Stack S51, Boiler B21: A 20.0 million BTU per hour steam generating unit, capable of firing residual fuel oil.
  - Stack S52, Boiler B22: A 10.0 million BTU per hour steam generating unit, capable of firing residual fuel oil.
3. Section NR 154.12(11), Wis. Adm. Code, establishes statewide sulfur dioxide emission limitations in order to ensure that all areas in Wisconsin will attain the National Ambient Air Quality Standards for sulfur dioxide by December 31, 1987.
4. Section NR 154.12(11)(d), Wis. Adm. Code, states that the DNR may require a source to meet a more restrictive emission limitation than the categorical emission limitations which would otherwise be applicable under sec. NR 154.12(11)(b) or (c), Wis. Adm. Code, if the DNR determines that a more restrictive emission limitation is required to ensure that the source will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.
5. The DNR has determined that more restrictive emission limitations are required to ensure that OMC Evinrude will not cause or exacerbate a violation of an ambient air quality standard or air increment for sulfur dioxide.

CONCLUSIONS OF LAW

The DNR concludes that:

1. The DNR has the authority under sec. 144.31(1), Stats., to promulgate rules to establish emission limitations.

2. The operation of direct source(s) of sulfur dioxide by OMC Evinrude is subject to the limitations contained in sec. NR 154.12(11), Wis. Adm. Code.
3. The DNR has the authority under sec. NR 154.12(11)(d), Wis. Adm. Code, to establish a more restrictive sulfur dioxide emission limitation than the categorical emission limitations.
4. The DNR has the authority under sec. 144.31(2)(b), Stats., to issue this administrative order.
5. The issuance of this administrative order is reasonable and necessary to accomplish the purposes of secs. 144.30 to 144.426, Stats., and sec. NR 154.12(11), Wis. Adm. Code.

#### ORDER

It is therefore ordered that OMC Evinrude shall meet the following emission limitation(s) by December 31, 1987:

Stack S50, Boiler B20: 1.50 pounds of sulfur dioxide per million BTU heat input to any stack.

Stack S51, Boiler B21: 1.50 pounds of sulfur dioxide per million BTU heat input to any stack.

Stack S52, Boiler B22: 1.50 pounds of sulfur dioxide per million BTU heat input to any stack.

#### NOTICE

This administrative order is effective immediately unless a petition for a contested case hearing for administrative review of this order is filed with the DNR under sec. 144.403, Stats., within 30 days after the date of this order. Any petition for a hearing should name the Wisconsin Department of Natural Resources as respondent. The petition must set forth specifically the issue sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired. This notice is provided pursuant to sec. 227.48(2), Stats., (as renumbered by 1985 Wisconsin Act 182).

Dated at Madison, Wisconsin this 30<sup>th</sup> day of September, 1986.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

  
Carroll D. Besant, Secretary

9260Q  
9/29/86



State of Wisconsin  
P.O. Box 12436  
Milwaukee, WI 53212

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

September 24, 1986

File Ref: 4530

Mr. Steve Otto  
Environmental Control Supervisor  
OMC Evinrude  
P.O. Box 663  
Milwaukee, WI 53201

Dear Mr. Otto:

RE: Statewide Sulfur Dioxide Rule  
Sec. NR 154.12(11), Wisconsin  
Administrative Code

The Department of Natural Resources, Southeast District Air Management Section, has reviewed the plan filed by OMC Evinrude on December 13, 1986 to comply with s. NR 154.12(11), Wisconsin Administrative Code, the Statewide SO<sub>2</sub> Rule.

Approval of the compliance plan is hereby granted, subject to the following conditions:

1. OMC Evinrude will monitor and require its suppliers to furnish its sulfur content (by weight %) and heat content (Btu data) on each shipment of the purchased residual fuel oil.
2. They should further indicate to the fuel oil supplier that it apply the following ASTM or other methods that would be equivalent to the ASTM method when sampling and performing the analysis which would be part of the facilities compliance demonstration.
  - a. Sample Collection ASTM D270.
  - b. Sulfur Content ASTM D129.
  - c. Caloric Value (heat content) ASTM D240.
3. The facility shall furnish the above data to the Department on a 6-month basis or on each shipment of fuel oil, whichever is later.
4. OMC Evinrude shall meet the established SO<sub>2</sub> more restrictive emission limit of 1.50 lbs/MMBtu on their above residual fuel oil.
5. OMC Evinrude will operate its boilers at no greater than 40% of the total capacity when burning No. 6 fuel oil.
6. OMC Evinrude will not burn any No. 6 fuel oil with a sulfur content greater than 1.5% by weight.

Please be advised that under existing rules, s. NR 154.06(2) and (5), Wisconsin Administrative Code, a source can be requested to perform stack test to determine whether a violation of emission limitations has occurred, regardless of a source's compliance status as determined by the source's site specific compliance methodology in the approved plan.

The Department reserves the right to further modify or rescind this approval because of any future administrative rule changes, failure of OMC Evinrude to fully comply with the conditions of this approval, or other reason which justifies modification or rescission of the approval.

Since the emission limitations for American Can are more restrictive than the categorical emission limitations contained in sec. NR 154.12(11), Wis. Adm. Code, it is necessary for the Department to establish the more restrictive limitations through a legally binding mechanism. This could be accomplished through issuance of your mandatory operation permit, or through issuance of an administrative order. Because the issuance date of American Can mandatory operation permit is presently uncertain, the Department has chosen to issue an administrative order to establish the more restrictive limitations. A copy of the administrative order is attached. In summary, the order restates the more restrictive limitations that have previously been developed and thus the limitations which American Can is now required to meet.

If you have any questions or comments concerning this matter, please feel free to contact me at (414) 562-9553.

#### NOTICE OF APPEAL RIGHTS

Any person aggrieved by this decision may seek a contested case hearing by serving a petition for hearing, in accordance with the provisions of section 144.403, Stats., on the Secretary of the Department of Natural Resources within 30 days after the date of this decision. This notice is provided pursuant to section 227.48(2), Stats., and should not be construed as an indication that the Department believes that any person has a right to appeal this decision.

Sincerely,

Bill Haas  
Environmental Engineer

jd

c: Brian Galley - AM/3